

REMARKS

Claims 1-5 and 17 remain pending in the present application. Claims 6-16 have been cancelled. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3, 8-10 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over An, et al. (U.S. Pat. No. 6,031,904) further in view of De Boor, et al. (U.S. Pat. No. 6,173,316). Claims 4, 6, 12 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over An and De Boor further in view of Fujiwara, et al. (U.S. Pat. No. 6,064,879). Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over An, De Boor, and Fujiwara further in view of Lawande, et al. (U.S. Pat. No. 6,219,697). Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over An and De Boor further in view of Hayashi (U.S. Pat. No. 6,650,913). Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over An and De Boor further in view of Lawande, et al. (U.S. Pat. No. 6,219,697). Claims 13, 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over An, De Boor, and Fujiwara further in view of Marshall (U.S. Pat. No. 6,735,487). Applicant respectfully traverses this rejection.

The Examiner indicates that An, et al. includes means for specifying the client terminal by a code identifying a maker of the terminal. The Examiner cites column 1, lines 31-40 of An, et al. to support this interpretation of An, et al. Applicant disagrees, column 1, lines 31-40 simply state that a "telephone feature profile" can be accessed.

This "telephone feature profile" tells what features the phone possesses but it says nothing about who manufactured it.

Applicant believes the Examiner agrees with this interpretation because on page 3 of the Office Action, the Examiner states "An fails to teach the limitation further including a maker of the client terminal." The Examiner then looks to De Boor to teach the use of selected functions and content of a wireless device that are privilege-sensitive by the manufacturer of the client terminal (column 17, lines 15-30).

De Boor states that selected functions of the wireless communication devices 100 are configured to be privilege-sensitive by the manufacturer of the wireless communication device. This does not mean that De Boor has means for specifying the client terminal by a code identifying a maker of the client terminal as defined in Claims 1 and 17 of the present application. De Boor only states that the manufacturer of the phone made selective functions of the phone privilege-sensitive. Two, three or more manufacturers could make the same features privilege-sensitive and thus, there is no code sent from the client terminal to exclusive server identifying the maker. The only thing sent by De Boor is privilege-sensitive features.

Though An, et al. discloses a directory number (DN) and a personal identification number (PIN) that identify a telephone subscriber, DN or PIN has nothing to do with identification of a manufacturer of a telephone terminal. Applicant appreciates that the Examiner is now in agreement with the Applicant in this regard. The Examiner states in his final rejection (page 3) that "An fails to teach the limitation further including a code identifying a maker of the client terminal."

The Examiner cites a new reference in the Final Rejection, De Boor, et al., and states that De Boor teaches the use of selected functions and content of a wireless device that are privilege-sensitive by the manufacturer. However, Applicant believes that the Examiner erred in concluding that this meets the limitations of Claim 1, because a manufacturer-identifying code of De Boor, et al. is not sent to a server for checking to see if the client terminal was manufactured by a specific manufacturer. In other words, the server of De Boor, et al. allows downloading its contents irrespective of the manufacturer-identifying code.

Thus, Applicant believes Claims 1 and 17, as pending, patentably distinguish over the art of record. Likewise, Claims 2-5, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Claims 6-16 have been cancelled without prejudice. Reconsideration of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: April 25, 2005

By: 

Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MJS/pmg